

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN)
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This document relates to:

All Actions

DECLARATION OF ANDREW MALONEY

I, Andrew Maloney, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury

the following:

1. I am an attorney duly admitted to practice before this Court, a partner at Kreindler & Kreindler LLP (“Kreindler”) and liaison counsel to the Plaintiffs’ Executive Committee for Personal Injury and Wrongful Death Claims.

2. I am fully familiar with the history of this lawsuit and this Court’s inquiry into the Yahoo! News article published by Michael Isikoff on July 15, 2021.

3. On June 17, 2021 and June 18, 2021 I attended on Zoom the deposition of Kingdom of Saudi Arabia official Musaed al-Jarrah conducted by Kreindler partner Megan Bennett.

4. I learned on July 15, 2021 that Yahoo! News investigative reporter Michael Isikoff had published an article in which he stated that he had obtained a copy of the redacted transcript of the deposition of Jarrah. That day, I discussed the Isikoff article with others at Kreindler working on the 9/11 litigation and, subsequently, in a conference call with other members of the Plaintiffs’ Executive Committees in this lawsuit.

5. On July 16, 2021, I conferred with Kreindler's information systems manager John Hartney and asked him to conduct an analysis of Kreindler's document storage and email systems to determine whether the Jarrah transcript had been sent to anyone outside of Kreindler. The rough and final Jarrah transcripts are saved in a directory within a network share drive along with materials relating to this lawsuit. Only individuals with Kreindler login credentials can access that directory. Anyone who intends to access materials produced pursuant to the Federal Bureau of Investigation protective order or the MDL protective order, saved on that case-specific directory, must first review those protective orders and agree to be bound by the direction that no materials subject to the protective orders or the information contained therein can be shared with anyone other than Plaintiffs' counsel. No one who has not signed those protective orders is permitted to review protected materials. Only the following individuals with Kreindler login credentials were provided access to the Jarrah transcripts: Jim Kreindler, Steven R. Pounian, myself, Megan Wolfe Benett, Gavin Simpson, John Fawcett, Debra Pagan, Julia Sienski, and Lisa Ranieri.

6. Shortly after asking conferring with Mr. Hartney, I asked each of the individuals listed above if they had sent any portion of the Jarrah transcript to Isikoff or anyone working on his behalf. Each person told me that they had not.

7. Some of the materials produced under the protective orders are uploaded to a cloud-based storage system which our experts and consultants can access. Any consultant or expert who is given permission to access those materials must first review the FBI and MDL protective orders and agree to be bound by them. Mr. Hartney and I reviewed the cloud-based storage system and determined that no one had accessed the Jarrah transcripts saved there.

8. On July 16, 2021, I also asked Mr. Hartney to conduct a search of our email system to determine if the Jarrah transcripts and been sent from the Kreindler system to anyone other than the individuals listed in paragraph three, above. The only emails within the Kreindler system forwarding any portion of the Jarrah transcripts went to a Kreindler consultant who had reviewed and agreed to be bound by the FBI and MDL protective orders (“Consultant 1”), who has provided a declaration in connection with this Court’s inquiry into the Isikoff article, and to the law firm of Baumeister & Samuels.

9. My specific answers to the inquiry of this Court’s Order, ECF No. 7082 at 1, (set forth in italics) are underscored below:

- *identify all communications with Michael Isikoff or anyone acting on his behalf, whether oral or written, from June 1, 2021, to August 1, 2021. Any written communication must be provided to the Court;*
 - I had no communications with Michael Isikoff or anyone acting on his behalf.
- *declare whether they have ever discussed the contents of the Musaed Al Jarrah deposition with Michael Isikoff or anyone acting on his behalf. Any communication must be described in detail, including whether portions of the transcript were read or testimony was described;*
 - I have not discussed the contents of the deposition with Michael Isikoff or anyone acting on his behalf.
- *state every person with whom they shared the Al Jarrah deposition transcript who has not already supplied the Court with a declaration in this investigation; and*

- None.
- *state every person that they know had access to the deposition transcripts who has not already supplied a declaration in this investigation.*
- None.

10. For the first time today I learned the information set forth in the declaration of John Fawcett.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: New York, New York
September 27, 2021

KREINDLER & KREINDLER LLP

By: /s/ Andrew J. Maloney
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